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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ROBERT SESMA,

12 Petitioner,

13 vs.

14 ROBERT J. HERNANDEZ,

Respondent.

CASE NO. 07CV0539 WQH (JMA)

ORDER

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16 HAYES, Judge:

17 The matter before the Court is the review of the Report and Recommendation (Doc.#6)
18 filed on August 27, 2007 by the United States Magistrate Judge Jan M. Adler.

19 On August 27, 2007, United States Magistrate Judge Adler issued a Report and
20 Recommendation recommending that this Court deny the Petition for Writ of Habeas Corpus
21 filed by Petitioner Robert Sesma. The parties were ordered to file any objections to the
22 Report and Recommendation on or before September 24, 2007. Petitioner filed objections to
23 the Report and Recommendation.


24 **RULING OF THE COURT**

25 The duties of the district court in connection with the Report and Recommendation of
26 a Magistrate Judge are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28
27 U.S.C. § 636(b)(1). The district court “must make a de novo determination of those portions
28 of the report . . . to which objection is made,” and “may accept, reject, or modify, in whole or

1 in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1).
2 The Court has reviewed *de novo* all aspects of the Report and Recommendation of the
3 Magistrate Judge filed on August 27, 2007 and adopts all portions of the Report and
4 Recommendation. The Magistrate Judge correctly found that the Petitioner had a protected
5 liberty interest in a parole date and that there was some evidence to support the denial of
6 parole. The Report and Recommendation correctly concluded that the state court decision
7 denying Petitioner’s habeas claim was neither contrary to, nor an unreasonable application of
8 clearly established U.S. Supreme Court law and that Petitioner is not entitled to relief under
9 28 U.S.C. §2254(d).

10 IT IS HEREBY ORDERED that all portions of the Report and Recommendation
11 (Doc.#6) are ADOPTED and the Petition for Habeas Corpus is DENIED.

12 DATED: October 30, 2007

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14 **WILLIAM Q. HAYES**
15 United States District Judge
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